



General Assembly

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Agenda item 123

Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola

Financing of the United Nations Observer Mission in Angola

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financial performance report of the United Nations Observer Mission in Angola (MONUA) for the period from 1 July 1997 to 30 June 1998 (A/53/908) and his report on the proposed budget for the 12-month period from 1 July 1999 to 30 June 2000 for the liquidation of MONUA (A/53/937). During its consideration of the reports, the Advisory Committee met with representatives of the Secretary-General, who provided additional information.

Financial performance report for the period from 1 July 1997 to 30 June 1998

2. As indicated in the report of the Secretary-General on the financial performance of MONUA (A/53/908, para. 12), from the total appropriation of \$175 million gross (\$170,741,200 net) for the operation of MONUA for the period from 1 July 1997 to 30 June 1998, expenditures totalled \$170,428,100 gross (\$166,466,100 net), resulting in an encumbered balance of \$4,571,900 gross (\$4,275,100 net).

3. The unencumbered balance of \$4,571,900 gross (\$4,275,100 net) resulted from reduced requirements as follows: military personnel costs (\$83,000), civilian personnel costs (\$4,368,400), operational costs (\$2,247,300) and staff assessment (\$296,800); these were offset by additional requirements amounting to \$2,423,600 as follows: other programmes (\$19,300) and United Nations Logistics Base at Brindisi (\$2,404,300) (A/53/908, annex II).

4. The Advisory Committee notes that a total amount of \$3,525,300 represents 1996/97 expenditures recorded in the 1997/98 financial period accounts as follows: mission subsistence allowance for military observers (\$82,500), rations for military contingents (\$2,490,000), daily allowance for military contingents (\$60,300), commercial



communications (\$875,800), mine-clearing programmes (\$9,400) and assistance for disarmament and demobilization (\$7,300) (A/53/908, annex II).

5. Upon inquiry, the Advisory Committee was informed that the recording of 1996/97 expenditures in the 1997/98 financial period accounts, in particular those of rations and daily allowance was because of the late submission of invoices and payment requests. The Advisory Committee considers that the over-all monitoring of expenditures for this Mission has been weak. In this connection, the Advisory Committee recalls the comments of the Board of Auditors in its report on United Nations peacekeeping operations for the period ending 30 June 1998 (A/53/5, vol. II, paras 105 and 109) and those of the Office of Internal Oversight Services on the audits of the procurement process at the United Nations Angola Verification Mission (A/52/881, paras. 32–37). The Advisory Committee trusts that lessons learned from this experience will lead to improvements in other Missions.

6. In paragraph 17 of the financial performance report of MONUA, the Secretary-General indicated that the action that the General Assembly may wish to take in connection with the financing of the Mission is to decide on the treatment of the unencumbered balance of \$4,571,900 gross (\$4,275,100 net) for the period from 1 July 1997 to 30 June 1998. The Advisory Committee recommends that this balance be taken into account in deciding upon the need for an assessment with regard to requirements for the period from 1 July 1999 to 30 June 2000 (see para 15 below).

Cost estimates for the period from 1 July 1999 to 30 June 2000

7. By its resolutions 52/8 C of 26 June 1998 and 53/211 of 18 December 1998, the General Assembly appropriated a total amount of \$133,099,080 gross (\$128,876,680 net), inclusive of \$2,299,080 for the support account for peacekeeping operations, for the maintenance of MONUA for the period from 1 July 1998 to 30 June 1999.

8. By its resolution 1229 (1999) of 26 February 1999, the Security Council took note of the fact that the mandate of MONUA expired as of that date and endorsed the proposals contained in the report of the Secretary-General to the Council dated 24 February 1999 (S/1999/202) regarding the technical liquidation of MONUA.

9. The Advisory Committee was informed that, pursuant to Security Council resolution 1229 (1999), the Mission's operational plan had been revised in early March 1999 to reflect the drawdown of military contingents, the repatriation of civilian personnel and the concomitant adjustments in operational requirements.

10. The Advisory Committee was also informed that, from the total appropriation of \$133.1 million gross for the 1998/99 financial period, estimated expenditures of MONUA for the period from 1 July 1998 to 31 March 1999 amounted to \$80.3 million gross, leaving a balance of \$52.8 million. The Advisory Committee was further informed that the balance would be required to meet the Mission's expenses for the remainder of the current financial period.

11. In this connection, the Advisory Committee was informed that a review of the status of reimbursement to troop-contributing countries for contingent-owned equipment provided by them to the United Nations Angola Verification Mission (UNAVEM) and MONUA since their inception, has indicated that the retroactive implementation of the new contingent-owned equipment reimbursement procedures in the Mission has given rise to additional estimated requirements in the order of \$35 million and that, as a result, it will be necessary to accommodate this unbudgeted additional resource requirement within the original resources appropriated by the General Assembly for MONUA for the 1998/99 financial period. The Advisory Committee recalls and reiterates paragraph 19 of its report A/53/944

on the implementation of the reformed procedures for determining reimbursement to Member States for contingent-owned equipment.

12. The Advisory Committee was also informed that a full report on the utilization of the appropriation provided by the General Assembly to MONUA for the 1998/99 financial period will be submitted to the General Assembly through the Advisory Committee at its fifty-fourth session in the context of MONUA's financial performance report for that period. The Committee will, *inter alia*, revert to the question of the estimate for contingent-owned equipment at that time.

13. As indicated in the summary of the report of the Secretary-General on the liquidation of MONUA (A/53/937), the cost estimates for the 12-month period from 1 July 1999 to 30 June 2000 amount to \$7 million gross (\$6,642,300 net).

14. The Advisory Committee notes from paragraph 9 of the above-mentioned report that estimates provide for the deployment of two infantry companies for the period from 1 July to 31 August 1999 for the protection of United Nations personnel and property and of a small medical unit. It also provides for administrative and logistical personnel for the period from 1 July to 31 October 1999 in the mission area to perform liquidation activities for MONUA and its predecessors. The proposed budget also provides for the deployment of six civilian staff at Headquarters for the period from 1 November 1999 to 31 January 2000 to complete residual liquidation activities.

15. In paragraph 25 of the same report, the Secretary-General indicated the action which the General Assembly may wish to take in connection with the financing of MONUA. The Advisory Committee recommends that the General Assembly appropriate the amount of \$7 million gross (\$6,642,300 net) for the 12-month period from 1 July 1999 to 30 June 2000. The Advisory Committee also recommends that such action as the General Assembly may take on assessment should take into account the unencumbered balance of \$4,571,900 gross (\$4,275,100 net) mentioned in the financial performance report of MONUA (A/53/908, para. 17) and the unencumbered balance of \$149,720 gross (\$49,625 net) in respect of UNAVEM and UNAVEM II mentioned in the report of the Secretary-General on the liquidation of MONUA (A/53/937, para. 25).



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Agenda item 127

Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters

Financing of the United Nations Preventive Deployment Force

Report of the Advisory Committee on Administrative and Budgetary Questions

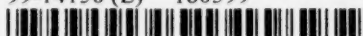
1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financial performance of the United Nations Preventive Deployment Force (UNPREDEP) for the period from 1 July 1997 to 30 June 1998 (A/53/786). The Committee has also considered the report of the Secretary-General in the revised budget of UNPREDEP for the period from 1 July 1998 to 30 June 1999, including the liquidation of the Force during the period from 1 March to 30 June 1999 (A/53/437/Add.1). Moreover, the Committee has considered the report of the Secretary-General on the cost estimates for the remaining three-and-one-half months of the liquidation period of UNPREDEP from 1 July to 15 October 1999 (A/53/812/Add.1). During its consideration of the reports, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

Financial performance report for the period from 1 July 1997 to 30 June 1998

2. The General Assembly, by its resolutions 51/154 B of 13 June 1997, appropriated an amount of \$46,506,700 gross (\$44,969,500 net) for the maintenance of UNPREDEP for

the period from 1 July 1997 to 30 June 1998, inclusive of \$1,906,700 for the support account for peacekeeping operations. Expenditures for the period totalled \$39,611,000 gross (\$38,659,100 net), resulting in an unencumbered balance of \$6,895,700 gross (\$6,310,400 net). The unencumbered balance resulted from lower operational requirements and vacancies in military and civilian personnel staffing, which is justified in part by the expected liquidation of the Force pursuant to Security Council resolution 1142 (1997) of 4 December 1997. Tables 1 and 2 of the performance report (A/53/786) provide a breakdown of the expenditures by budget line and of the vacancy rates by category of personnel.

3. The Advisory Committee commends the Secretariat for the quality of the performance report and additional information provided to the Committee and, in particular, for the attempt that has been made to explain the causes leading to budget variances under many objects of expenditures. In that regard, the Committee notes that underexpenditures under some budget lines resulted from the availability of in-house stock. That explains the need to sharpen knowledge of the inventory at hand before requesting funds for new requisitions.



4. The Committee also welcomes the fact that a number of administrative actions were taken to manage funds more efficiently. For example, savings were realized under premises/accommodation, owing in part to the utilization of surplus stocks of maintenance supplies from closed missions (see A/53/768, annex II, para. 5); savings under transport operations were realized partly as a result of the availability of spare parts from surplus stock and the implementation of cost-savings measures on the use of petrol, including fuel monitoring (*ibid.*, para. 6); and savings under communications resulted in part from strict control over telephone use (*ibid.*, para. 9).

5. The Advisory Committee was informed that the total amount assessed on Member States for UNPREDEP for the period from its inception on 1 January 1996 to 31 December 1998 was \$147.7 million, against which the payments received amounted to \$126.5 million, leaving an outstanding balance of \$21.2 million. The cash position of UNPREDEP as at 31 December 1998 was \$51.1 million.

6. The Committee was informed that full reimbursement of troop costs had been made for the period ending 31 May 1998 and that an amount of \$6.3 million was owed to troop-contributing countries for the period through 31 December 1998; the amount reimbursed for contingent-owned equipment was \$3.0 million and an amount owed for contingent-owned equipment was estimated at \$29.0 million, reflecting the total amounts of memoranda of understanding signed with the troop-contributing Governments.

7. The Advisory Committee was informed that unliquidated obligations for the period from 1 July 1997 to 30 June 1998, stated at \$14.5 million in the Secretary-General's report, have since been reduced to \$6.7 million, as at 12 May 1999. Nevertheless, the Committee expresses concern about the continued high level of unliquidated obligations. The Committee was informed that the unliquidated obligations of \$6.7 million related to military personnel costs (\$3.7 million), transport operations (\$1.8 million), communications (\$0.4 million), civilian personnel costs (\$0.4 million), air and surface freight (\$0.3 million) and other requirements (\$0.1 million).

8. The Advisory Committee is of the view that there is a need for the Secretariat to stress the importance of troop-contributing countries submitting their claims to the United Nations in a timely manner. As indicated in the performance report (A/53/786, annex II, para. 12), the United Nations has not yet been informed by one Government as to whether it intends to seek reimbursement for the cost of repatriation of its troops and equipment. Upon

inquiry, the Committee was informed that the Government concerned had recently indicated that claims would be submitted for retroactive settlement for the period starting in May 1996. The same Government had not initially claimed reimbursement for welfare but had subsequently sought reimbursement with retroactive effect from 1997. The Committee points out that, unless claims are submitted in a timely manner, delays and uncertainties will continue to introduce an element of inefficiency in United Nations accounting and financial management with respect to the operation of the mission concerned.

9. With regard to savings of \$768,100 under supplies and services, the Committee notes from the supplementary information provided to it that savings of \$132,400 under medical supplies are the result of a voluntary contribution from one Government. The Committee believes that the contribution should have been disclosed in column three, budget line IX, of annex I to the report.

10. The action to be taken by the General Assembly in connection with the performance report for UNPREDEP is indicated in section IV, paragraph 10, of the report (A/53/786). The Committee recommends that the unencumbered balance of \$6,895,700 gross (\$6,310,400 net) for the period from 1 July 1997 to 30 June 1998 be credited to Member States in a manner to be decided by the General Assembly.

Revised budget for the period from 1 July 1998 to 30 June 1999

11. The General Assembly, by its resolutions 52/245 of 26 June 1998 appropriated an amount of \$21,053,745 gross (\$20,580,245 net) for the maintenance of UNPREDEP for the period from 1 July 1998 to 30 June 1999, inclusive of \$1,053,745 for the support account for peacekeeping operations. Following the adoption by the Security Council of its resolution 1186 (1998) of 21 July 1998, by which the mandate of UNPREDEP was extended until 28 February 1999, the General Assembly, in its resolution 53/20 of 2 November 1998 decided to appropriate an additional amount of \$29 million gross (\$28,170,800 net) for the maintenance of the Force for the period from 1 July 1998 to 30 June 1999. The total amount appropriated by the General Assembly for the maintenance of UNPREDEP for the period from 1 July 1998 to 30 June 1999 therefore amounted to \$50,053,745 gross (\$48,751,045 net). A total of \$33,369,163 gross (\$32,500,697 net) has been assessed on Member States.

12. In paragraph 34 of his report to the Security Council dated 12 February 1999 (S/1999/161), the Secretary-General

requested the extension of the mandate of UNPREDEP for a period of six months, from 1 March until 31 August 1999. However, the mandate of the Force was not extended. Accordingly, the Secretary-General's report dated 5 May 1999 (A/53/437/Add.1) contains the revised requirements for the period from 1 July 1998 to 30 June 1999, estimated at \$43,062,700 gross (\$42,004,600 net). Those estimates are \$6,991,045 gross (\$6,746,445 net) less than the current appropriations.

13. Paragraph 6 of the same report contains a list of liquidation tasks to be performed in the mission area during the period from 1 March to 30 June 1999. The Advisory Committee welcomes the inclusion of that information in the Secretary-General's report.

14. As can be seen from annex I to the report, the largest variances in requirements are as follows:

(a) A decrease of \$3.3 million under budget line 1, Military personnel costs;

(b) A decrease of \$1.6 million under budget line 2, Civilian personnel costs;

(c) A decrease \$1.1 million under budget line 5, Transport operations;

(d) An increase of \$1.5 million under budget line 16, Air and surface freight.

15. Annex II.C to the Secretary-General's report (A/53/437/Add.1) contains a supplementary explanation of the revised cost estimates. As indicated in paragraph 3 therein, the revised requirements of \$11,639,100 under military contingents, although reflecting a net total decrease of \$4.2 million, also include a provision of \$900,000 for reimbursement to a Government for rotation and repatriation of its troops for the period from May 1996 to June 1998 and repatriation of its 150 troops pursuant to Security Council resolution 1110 (1997) (see para. 8 above).

16. The Committee notes from paragraph 4 of annex II.C to the same report that revised requirements under contingent-owned equipment and self-sustainment, estimated at \$29,034,271 and \$6,483,754, respectively, from the inception of UNPREDEP to the end of the mandate on 28 February 1999 are based on agreements with the troop-contributing countries signed in 1998. All troop-contributing countries have opted for the wet-lease arrangements for reimbursement of contingent-owned equipment. According to the Secretary-General, the value of equipment subject to reimbursement for contingent-owned equipment had been estimated at \$45.4 million in budgets covering the period from 1 January 1996 to 30 June 1998 based on reimbursement under the old methodology, that is,

at 10 per cent per annum of the total value of the contingent-owned equipment. The shortfalls in requirements and the resources provided to date for reimbursement of contingent-owned equipment and self-sustainment amount to \$1.2 million and \$4.2 million, respectively, as indicated in the table in paragraph 4 of annex II.C to the report. The Advisory Committee recalls in this connection its observations and comments contained in paragraph 19 of its report on the implementation of the reformed procedures for determining reimbursement to Member States for contingent-owned equipment (A/53/944). Moreover, the Committee points to observations and recommendations of the Board of Auditors on contingent-owned equipment in UNPREDEP contained in paragraphs 47 to 67 of its report.¹

17. The reduced requirements under transport operations reflect that no vehicles or workshop equipment will be procured and the fleet of vehicles will be gradually phased out. The Committee was informed that, when feasible, the United Nations-owned vehicles would be either sold to the highest bidder or transported to the United Nations Logistics Base at Brindisi; the Mission has also started providing its vehicles to other United Nations organizations, agencies and programmes operating in the mission area. The Committee welcomes that approach and, considering the situation in the mission area, recommends that priority be given to selling, when feasible, the redundant vehicles of UNPREDEP to other United Nations organizations, agencies and programmes which provide humanitarian and relief support to refugees and the local civilian population in areas affected by the crisis in Kosovo.

18. The Secretary-General, in paragraph 8 of his report (A/53/437/Add.1), proposes that the General Assembly reduce the appropriation provided under its resolutions 52/245 and 53/20 for the maintenance of UNPREDEP during the period from 1 July 1998 to 30 June 1999 to the amount of \$43,062,700 gross (\$42,004,600 net), and assess for the same period the amount of \$9,693,537 gross (\$9,503,903 net) in addition to the amount of \$33,369,163 gross (\$32,500,697 net) already assessed in accordance with General Assembly resolutions 52/245 and 53/20. The Advisory Committee recommends acceptance of the Secretary-General's proposal.

Cost estimates for the period from 1 July 1999 to 30 June 2000

19. In his report dated 4 May 1999 (A/53/812/Add.1) the Secretary-General revises and supersedes the original proposed budget of UNPREDEP for the period from 1 July 1999 to 30 June 2000 contained in document A/53/812. The

revised requirements amount to \$172,600 gross (\$155,200 net) and would provide for the remaining three-and-one-half months of the liquidation period of UNPREDEP from 1 July to 15 October 1999.

20. As indicated in paragraph 2 of that report, the liquidation team will consist of two Professional (1 P-5 and 1 P-2) and three General Service staff who will handle the liquidation activities at the United Nations Logistics Base at Brindisi and at Headquarters following the completion of the liquidation tasks in the field. Those activities will include closing of bank accounts, final disposition of UNPREDEP assets, preparation of the final performance report and handover of the field accounts to the Accounts Division at Headquarters, as well as other tasks that may be necessary in connection with the liquidation of the Force. The estimated requirements of \$172,600 provide for salaries, common staff costs and staff assessment for the liquidation team.

21. The Secretary-General, in paragraph 3 of the same report, proposes that the General Assembly appropriate \$172,600 gross for the remaining three-and-one-half months of the liquidation period of UNPREDEP from 1 July to 15 October 1999. The Advisory Committee recommends acceptance of the Secretary-General's proposal.

Notes

¹ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 5 (A/53/5), vol. II, paras. 47-67.*



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GENERAL ASSEMBLY
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QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 14 May 1999 from the Permanent Representative of Cyprus
to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 11 May 1999, I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 11 and 12 May 1999.

On 11 May 1999, six F-4 military aircraft of the Turkish Air Force entered the Nicosia FIR, violating international air traffic regulations. The aircraft in question flew within the Nicosia FIR before returning to the FIR of Ankara.

On 12 May 1999, one C-650 military aircraft of the Turkish Air Force entered the Nicosia FIR, violating international air traffic regulations. The aircraft in question violated the national airspace of the Republic of Cyprus, flying over the area of Karpasia before exiting in a south-easterly direction.

As stated in my previous letters, these Turkish unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules, and at the same time are in contravention to the provisions of Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey, which demonstrate once more Turkey's blatant disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

I would like, once again, to underline that the present violations occurred after the adoption of Security Council resolutions 1217 (1998) and 1218 (1998), in which the Council called upon all States to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action

which might prejudice that sovereignty, independence and territorial integrity. My Government expects that the Turkish side will show compliance with the provisions of these resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his Mission of Good Offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

Furthermore, the continuing overflights by the Turkish Air Force, as well as the presence of the Turkish military occupation forces on the island, constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative



General Assembly
Security Council

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 47

SECURITY COUNCIL
Fifty-fourth year

ELECTION OF THE JUDGES OF THE
INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE PROSECUTION OF PERSONS
RESPONSIBLE FOR GENOCIDE AND
OTHER SERIOUS VIOLATIONS OF
INTERNATIONAL HUMANITARIAN LAW
COMMITTED IN THE TERRITORY OF
RWANDA AND RWANDAN CITIZENS
RESPONSIBLE FOR GENOCIDE AND
OTHER SUCH VIOLATIONS COMMITTED
IN THE TERRITORY OF NEIGHBOURING
STATES BETWEEN 1 JANUARY AND
31 DECEMBER 1994

Identical letters dated 17 May 1999 from the Secretary-General
addressed to the President of the General Assembly and the
President of the Security Council

The President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, has requested, for the reasons set out in his attached letter of 14 May, an extension of the term of office of a non-elected judge of the Tribunal in order to allow him to dispose of two ongoing cases. This matter raises institutional and budgetary questions pertaining to the status of a judge beyond his elected term of office and to related financial arrangements.

You may recall that, at the election of judges of the Tribunal by the General Assembly on 3 November 1998, two judges who were currently serving on the Tribunal were not elected to a second term of office, having not been nominated for re-election. This in particular is the situation of one of the judges who currently compose Trial Chamber I sitting in the Rutaganda and Musema cases and whose term of office expires on 24 May 1999. If that judge is not



allowed to complete those cases, it would be necessary to restart both trials with a new panel of judges and order the rehearings of witnesses and testimonies. At this late stage in the proceedings in the cases concerned, such a course of action would unnecessarily prolong the trials and violate the rights of the accused to due process of law.

The Statute of the International Tribunal does not contain a provision similar to article 13, paragraph 3, of the Statute of the International Court of Justice, whereby judges of that Court continue to discharge their duties until they are replaced and, thereafter, until they finish any cases which they may have begun. It is provided in article 12, paragraph 5, of the Statute of the International Tribunal that the terms and conditions of service of judges of the Tribunal shall be those of the judges of the International Court of Justice. However, in the absence of an explicit statutory provision providing for the extension of the term of office of judges of the Tribunal to complete ongoing cases, an approval of the Security Council, as the parent organ of the Tribunal, and of the General Assembly, as the organ which elects its judges, would be desirable in order to preclude any question being raised regarding the legality of such an extension.

As more fully elaborated in the letter addressed to me by the President of the International Tribunal, the period required to complete the Rutaganda and Musema cases is estimated to be eight months. The Registry of the International Tribunal has advised me that the budgetary costs of the extension which is being requested of Judge Aspegren's term of office are estimated to be \$261,800. The Registry has also advised me that it is envisaged that the Tribunal may be able to meet those costs from within the 1999 appropriation adopted for the Tribunal by the General Assembly in its resolution 53/213 of 18 December 1998.

In view of the very short time which is available before Judge Aspegren's term of office is due to come to an end, I should greatly appreciate it if you could bring the present letter and its annex to the immediate attention of the members of the General Assembly and of the Security Council for their speedy approval in the manner that they deem fit.

(Signed) Kofi A. ANNAN

Annex

[Original: French]

Letter dated 14 May 1999 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

As you know, the mandate of Judge Aspegren of the International Criminal Tribunal for Rwanda will expire on 24 May, while two cases are still in proceedings before Trial Chamber I, where he sits: the Prosecutor vs. Georges Anderson Rutaganda and Prosecutor vs. Alfred Musema cases.

The Rutaganda case, which began on 18 March 1997, is about to proceed to deliberations. The Prosecutor has completed the presentation of the evidence and only one witness for the defence has still to appear, on 16 June 1999. This case has been adjourned several times owing to the precarious state of health of the accused and the fact that his lawyer, Tiphaine Dixon, has herself been ill, causing an eight-month suspension. The case should now, in any event, move into the deliberation phase by the end of June 1999, following the closing speech by the Prosecutor and the pleading by the Defence, which will take place during the days following the appearance of the last witness.

The Musema case is also coming to an end, since all the witnesses for the Prosecution have already appeared and only five witnesses for the Defence remain to be heard. However, in view, in particular, of obligations undertaken by the defence lawyers, one of whom, Michail Wladimiroff, will apparently be involved in the Lockerbie case, the last witnesses remaining to appear should be heard in the first weeks of September 1999 and the closing speech and pleading will take place immediately afterwards. This case should therefore enter the deliberation phase next September.

The departure of Judge Aspegren upon completion of his mandate on 24 May, at a time when the aforementioned trials have not yet proceeded to deliberations, would oblige us to begin them all over again, a situation which would have unfortunate legal and financial consequences and would surely cause serious prejudice not only to the accused and our legal work, but also to the image of our Tribunal.

Accordingly, in the light of our experience and in view of the fact that the two aforementioned trials are about to proceed to deliberations, it seems to us that it would be more appropriate, in the interest of sound administration of justice, to extend, on an exceptional basis, the mandate of Judge Aspegren in order to enable us to close these two cases and render our verdicts in the months to come.

Allow me, Sir, to draw your attention to the fact that in 1997, following a request by President Antonio Cassesse, the President of the International Criminal Tribunal for the former Yugoslavia, under circumstances similar to those which obtain today, the Security Council authorized an extension of the mandates of three Judges of that Tribunal for a period of 12 months, enabling them to complete a trial and render their judgement.

/...

I therefore request you, Sir, to convey to the President of the Security Council and to the President of the General Assembly a request to extend the mandate of Judge Lennart Aspegren until 30 January 2000 at the latest. I am perfectly aware of the very short period of time for considering our request and ask you to express our apologies in this connection to the distinguished members of the Security Council and the General Assembly.

I have requested Mr. Agwu Okali, our Tribunal's Registrar, to consider and communicate to you as speedily as possible the financial implications of extending the mandate of Judge Aspegren so that you might be able to inform the members of the Security Council and the General Assembly in this regard.

If such an extension is authorized, Sir, Judge Aspegren, Judge Navanethem Pillay and I, who sit in the same Chamber, will clearly make every effort to ensure that the two judgements are rendered as soon as possible and perhaps even before 31 January 2000.

(Signed) Laity KAMA
President



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Agenda item 143 (a)

**Administrative and budgetary aspects of the financing of the
United Nations peacekeeping operations: Financing of the
United Nations peacekeeping operations**

Peacekeeping reserve fund

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) has considered the report of the Secretary-General (A/53/912), which provides information on the status of the peacekeeping reserve fund. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information.
2. The Committee recalls that the General Assembly, in its resolution 47/217, created a peacekeeping reserve fund as a cash-flow mechanism to ensure the rapid response of the Organization to the needs of peacekeeping operations, and decided that the level of the fund should be \$150 million. Funding was to be provided by the transfers of balances of an initial amount of \$59 million from the special accounts for the United Nations Transition Assistance Group (UNTAG) and the United Nations Iran-Iraq Military Observer Group (UNIIMOG). Residual amounts were to be transferred as soon as the special accounts for both operations were closed. However, the major portion required to provide the full \$150 million was to be financed from the amount retained in the General Fund pursuant to General Assembly resolution 42/216 A of 21 December 1987. The General Assembly, in its resolution 49/233, decided to limit the utilization of the fund to the start-up phase of new peacekeeping operations, to the expansion of existing ones or to unforeseen and extraordinary expenditures related to peacekeeping.
3. As indicated in paragraph 2 and annex I of the Secretary-General's report, as at 31 December 1998 the Fund had a balance of \$103.7 million. Total receipts to the Reserve Fund amounting to \$112.4 million consisted of transfers from UNTAG (\$48.8 million), UNIIMOG (\$17.3 million), the United Nations General Fund (\$25.0 million), the United Nations Observer Mission in El Salvador (ONUSAL) (\$257,913), interest income (\$20.4 million), miscellaneous income (\$248,851) and a voluntary contribution of \$351,989. The



Committee notes that an amount of \$58.9 million was still due to the Reserve Fund, consisting of funds to be transferred from the United Nations General Fund (\$57.6 million), UNTAG (\$410,974) and UNIIMOG (\$903,071).

4. The Committee notes, from the information contained in document A/53/912, annex II, that during 1998 a loan of \$3.5 million was made to the United Nations Mission in Sierra Leone (UNOMSIL) and a loan of \$5.2 million to the United Nations Mission in the Central African Republic (MINURCA), for initial start-up costs in both cases totalling \$8.7 million. The Committee notes, however, that no loans were required during 1996 and 1997. In this regard, the Committee is attaching the information requested from the Secretariat, which explains why there was no need to borrow from the Peacekeeping Reserve Fund during those two years.

5. In paragraph 4 of its report A/53/940 on its consideration of the report of the Board of Auditors on the financial report and audited financial statements for United Nations peacekeeping operations for the 12-month period ended 30 June 1998, the Committee indicated that "in view of the substantial decrease in the level of peacekeeping operations, the Committee believes that the current level of the Fund, at \$150 million, should be reconsidered by the General Assembly, taking into account all relevant factors". The Committee was informed, upon inquiry, that the Secretary-General intends to submit a comprehensive report to the General Assembly at its next session, which will address, among other things, the transfer of funds from UNTAG and UNIIMOG to the Reserve Fund.

6. The action to be taken by the General Assembly is indicated in paragraph 4 of the report of the Secretary-General (A/53/912). Pending submission by the Secretary-General of the comprehensive report mentioned in paragraph 5 above, the Committee recommends that the General Assembly take note of the report of the Secretary-General contained in document A/53/912.

Annex

Peacekeeping Reserve Fund: reasons for no apparent borrowings in 1996 and 1997

New missions in former Yugoslavia

In connection with the establishment of UNMIBH in December 1995 and UNTAES in January 1996 and UNPREDEP becoming an independent mission in January 1996, bridging financing to meet the costs of these operations for the period from 1 January to 31 March 1996 as well as the liquidation of UNPF was provided by the General Assembly by its decision 50/410 B, in which the Assembly authorized the Secretary-General, on an exceptional basis, to enter into commitments for the operations in former Yugoslavia in the amount of \$100 million gross (\$98,430,700 net), of which \$89,484,800 gross (\$87,915,500 net) was assessed on Member States. The resources were intended to bridge the period between the date of establishment of those missions and the preparation of budgets by the Secretary-General and action on them by the legislative bodies. Since funds, including cash, had been made available in advance by the General Assembly, there was no need to resort to the Peacekeeping Reserve Fund.

New missions in Haiti

UNSMIH

Following the establishment of UNSMIH on 28 June 1996, the Controller sought the concurrence of ACABQ to utilize the appropriation of \$15,897,000 gross (\$15,440,300 net) provided for the liquidation of UNMIH to meet the repatriation cost of UNMIH personnel (\$2,450,000) and the operation of UNSMIH from 1 July to 15 September 1996. Since the UNMIH liquidation was overtaken by the establishment of UNSMIH, none of the resources that had been approved by the Assembly for liquidation were needed apart from the repatriation of those personnel who did not join UNSMIH. On 9 September 1996, the Controller sought the concurrence of ACABQ to enter into commitments for UNSMIH under the provisions of General Assembly resolution 49/233 in the amount of \$5,762,800 gross (\$5,420,700 net) for the period from 16 September to 15 October 1996. ACABQ concurred with both requests.

UNTMIH

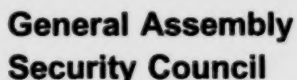
Following the establishment of UNTMIH on 30 July 1997, the Controller sought the concurrence of ACABQ to utilize the resources appropriated for the liquidation of UNSMIH to meet the repatriation costs of UNSMIH and the cost of UNTMIH from 1 August to 31 October 1997. With the establishment of UNTMIH, the liquidation of UNSMIH was deferred, just as was the case the previous year with UNMIH.

MIPONUH

Following the establishment of MIPONUH on 28 November 1997, ACABQ authorized the Secretary-General to enter into commitments up to \$9,237,300 gross (\$8,805,800 net) under the provisions of Assembly resolution 49/233.

* * *

With respect to the missions in Haiti, no transfer was made from the Peacekeeping Reserve Fund for the following reasons: (a) the Assembly had twice appropriated funds for liquidation (UNMIH and UNSMIH) which were not needed due to subsequent Security Council decisions, and with the concurrence of ACABQ those funds were utilized to meet the initial costs of UNSMIH and UNTMIH; and (b) only one bank account had been established for these missions, and since UNMIH had a large cash balance pending the certification of government claims by the Field Administration and Logistics Division, there were sufficient funds available to meet disbursements pending the assessment of funds by the General Assembly.



A/53/962
S/1999/547
18 May 1999

ORIGINAL: ENGLISH

SECURITY COUNCIL
Fifty-fourth year

I should be grateful if you would have the letter from the President of Ukraine and its annex, as well as the present letter, circulated as an official document of the General Assembly, under agenda item 10, and of the Security Council.

(Signed) Volodymyr YEL'CHENKO
Ambassador
Permanent Representative of
Ukraine to the United Nations

A/53/962
S/1999/547
English
Page 2

Annex

Letter dated 17 May 1999 from the President of Ukraine
addressed to the Secretary-General

On behalf of the participants at the sixth informal meeting of the Presidents of central European States (Austria, Bulgaria, the Czech Republic, Germany, Hungary, Poland, Romania, Slovenia and Ukraine), which took place on 14 and 15 May 1999 in Lviv, Ukraine, I have the honour to transmit herewith the text of the joint declaration on the Kosovo crisis.

I would kindly ask you to have the said declaration circulated as a document of the General Assembly and the Security Council.

(Signed) Leonid KUCHMA
President of Ukraine

Appendix

Joint declaration

We, the Presidents of the central European countries, strongly condemn the systematic terror in Kosovo, cruelties against children, rapes, robberies and expulsions which are used as the means for ethnic cleansing.

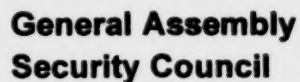
We express our sorrow for the victims and the sufferings of innocent civilians in the whole of the Federal Republic of Yugoslavia.

We welcome all international contributions to bring this grave crisis to a quick end. We call on the Government in Belgrade to undertake the commitments which the international community demands as a precondition for a peaceful solution and which have been called for, in particular, by the Ministers of Foreign Affairs of the G8 countries in their statement of 6 May 1999.

We attach special importance to the United Nations Security Council in resolving the Kosovo crisis in cooperation with other relevant international organizations.

The countries bordering the area of conflict are exposed to severe burdens because of the recent developments. We recognize the contribution made by these countries to alleviate human suffering. Extraordinary work has been done by international relief agencies, especially the United Nations High Commissioner for Refugees and the International Committee of the Red Cross.

We must not limit ourselves to coping with the short-term aspects of the crisis. Lasting peace in south-eastern Europe will only be possible if a future of democracy, civil society, prosperity and security is offered to this region. A high-level conference on south-eastern Europe should elaborate a stability pact, including a comprehensive strategy for the stabilization of the entire region through economic reconstruction, the promotion of democracy and inclusion in the European integration and the Euro-Atlantic structures.



ORIGINAL: ENGLISH

SECURITY COUNCIL
Fifty-fourth year

Corrigendum

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General Assembly

Distr.
GENERAL

A/53/963
19 May 1999

ORIGINAL: ENGLISH

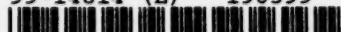
Fifty-third session
Agenda items 8 and 47

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

ELECTION OF THE JUDGES OF THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND
OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW
COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS
RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED
IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND
31 DECEMBER 1994

Note by the Secretary-General

In order to enable the General Assembly to consider the Secretary-General's recommendation in his identical letters dated 17 May 1999 addressed to the President of the General Assembly and the President of the Security Council (A/53/960-S/1999/566), it will be necessary to reopen consideration of agenda item 47.





General Assembly

Distr.: General
19 May 1999
English
Original: French

Fifty-third session

Agenda item 47

Election of the judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 19 May 1999 from the President of the Security Council addressed to the President of the General Assembly

I have the honour to transmit to you, herewith, the text of resolution 1241 (1999), which the Security Council adopted at its 4006th meeting, held on 19 May 1999.

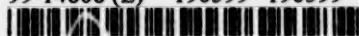
Resolution 1241 (1999) reads as follows:

"The Security Council,

"Taking note of the letter to the President of the Council from the Secretary-General dated 17 May 1999, attaching the letter to him from the President of the International Tribunal for Rwanda dated 14 May 1999 (S/1999/566),

"Endorses the recommendation of the Secretary-General that Judge Aspegren, once replaced as a member of the Tribunal, finish the Rutaganda and Musema cases which he has begun before expiry of his term of office; and takes note of the intention of the Tribunal to finish these cases if possible before 31 January 2000."

(Signed) Denis Dangué Réwaka
President of the Security Council





General Assembly
Security Council

Distr.
GENERAL

A/53/965
S/1999/577
19 May 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 18 May 1999 from the Permanent Representative of Cyprus
to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 14 May 1999 (A/53/959-S/1999/565), I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 14 and 16 May 1999.

On 14 May 1999, 17 military aircraft of the Turkish Air Force (12 F-16, 3 C-160, 1 CN-235, 1 B-200) entered the Nicosia FIR, violating international air traffic regulations.

The 12 F-16 aircraft violated the national airspace of the Republic of Cyprus flying over the area of Karpasia, before returning to the FIR of Ankara.

The 3 C-160 aircraft violated the national airspace of the Republic of Cyprus flying over the area of Karpasia, before exiting in a south-easterly direction.

The CN-235 violated the national airspace of the Republic of Cyprus flying over the area of the Cape of Apostolos Andreas, before returning to the FIR of Ankara.

The B-200 violated the national airspace of the Republic of Cyprus flying over the area of Mesaoria. The aircraft in question landed at 1332 hours at the illegal airport of Tymbou in the occupied area of the Republic, whence it departed at 1446 hours, returning to the FIR of Ankara.

On 16 May 1999, four F-16 military aircraft of the Turkish Air Force entered the Nicosia FIR, violating international air traffic regulations. The aircraft in question violated the national airspace of the Republic of Cyprus flying over the area of Karpasia before exiting in a south-easterly direction.



As stated in my previous letters, these Turkish unauthorized intrusions into the Nicosia FIR and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention of the provisions of the Security Council resolutions on Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest these new provocative acts by Turkey, which demonstrate once more Turkey's blatant disregard of international law, the Charter of the United Nations and all the relevant decisions of the Organization on the question of Cyprus.

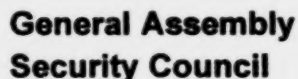
I would like once again to underline that the present violations occurred after the adoption of Security Council resolutions 1217 (1998) and 1218 (1998), in which the Council called upon all States to respect the sovereignty and territorial integrity of the Republic of Cyprus and to refrain from any action which might prejudice that sovereignty, independence and territorial integrity. My Government expects that the Turkish side will show compliance with the provisions of those resolutions.

Such provocative actions are not conducive to reducing tension and run counter to the initiative of the Secretary-General announced on 30 September 1998, within the framework of his mission of good offices, with the goal of reducing tensions and promoting progress towards a just and lasting settlement in Cyprus.

Furthermore, the continuing overflights by the Turkish Air Force, as well as the presence of the Turkish military occupation forces on the island, constitute the underlying causes of tension in Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative



A/53/966
S/1999/578
19 May 1999

ORIGINAL: ENGLISH

SECURITY COUNCIL
Fifty-fourth year

I have the honour to transmit a press release issued today, 19 May 1999, by the Ministry of Foreign Affairs of the State of Eritrea on yet another violation of the human rights of 10,000 Eritreans and Ethiopians of Eritrean origin by the Ethiopian Government. My Government believes that the international community has the moral responsibility to help these innocent victims who are held hostage by the Addis Ababa regime.

I should be grateful if you would kindly circulate this letter and its annex as a document of the fifty-third session of the General Assembly, under agenda items 20, 105 and 110, and of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

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S/1999/578
English
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ANNEX

Press release issued on 19 May 1999 by the Ministry of
Foreign Affairs of Eritrea

The Ministry of Foreign Affairs of the State of Eritrea has received conclusive evidence that the Addis Ababa regime has deprived about 10,000 Eritreans of their right to leave Ethiopia even though it has confiscated their property, frozen any bank accounts they may have had and otherwise deprived them of their right to a livelihood. This gross violation of the human rights of these Eritreans is yet one more example in a series of human rights crimes that have hitherto been committed by the Ethiopian regime against Eritreans and Ethiopians of Eritrean origin.

The Ministry of Foreign Affairs condemns this criminal and barbaric act by the Addis Ababa regime and demands the unconditional and immediate departure of these Eritreans to any place they may wish to go.
